IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

W.A.No.2390 of 2006

AGAINST THE JUDGEMENT IN W.P.(C).28977/2006 DATED 15/11/2006
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APPELLANT/PETITIONER:-

REJI MATHEW VARGHESE, S/O.T.M.VARGHESE,
THEKKUNNATHU HOUSE, THELIYOOR P.O, PATHANAMTHITTA.

BY ADV. SMT.S.MUMTAZ

RESPONDENTS/RESPONDENTS:-
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1. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY THE REGISTRAR, PRIYADARSINI HILLS,
KOTTAYAM.

2. THE VICE CHANCELLOR, M.G.UNIVERSITY,
PRIYADARSINI HILLS, KOTTAYAM.

3. THE CONTROLLER OF EXAMINATIONS,
M.G.UNIVERSITY, KOTTAYAM.

4. THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

5. THE PRINCIPAL,
PUSHPAGIRI INSTITUTE OF MEDICAL SCIENCES AND RESEARCH CENTRE,
THIRUVALLA.

R1 TO R3 BY STANDING COUNSEL SRI.V.A.MUHAMMED.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K.Bali,C.J. & S.Siri Jagan,J.

W.A.No.2390 of 2006

Dated, this the 19th day of December, 2006

JUDGMENT

V.K.Bali,C.J. (Oral)

The challenge in the present Writ Appeal is to the order dated 15th November, 2006 passed by the learned Single Judge in W.P.(C).No.28977 of 2006. We have heard learned counsel for the appellant and examined the records of the case. We have also carefully gone through the impugned judgment. It is not in dispute that if the rule on the basis of which the matter has been disposed by the learned Single Judge, may apply, the appeal is only to be dismissed. Counsel for the appellant, however, contends that the rule made applicable by the learned Single Judge is not applicable to professional courses. When, however, questioned as to what rule in that case would be applicable to professional courses relevant to the petitioner, counsel is not able to answer. If the rule that has been made applicable is to govern the field, the natural consequence would be that he would fail and that the writ petition has to be

dismissed. If that rule is not applicable and there is no rule which may govern the field with regard to revaluation, then the original award of marks shall have to be confirmed by which the petitioner would fail. No merits. Dismissed.

V.K.Bali
Chief Justice

S.Siri Jagan
Judge

vku/-